

ENTERED

May 06, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

WYATT BUSBY,	§	CIVIL ACTION NO.
(TDCJ-CID #02379725)	§	4:22-cv-00366
Petitioner,	§	
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
BOBBY LUMPKIN,	§	
Respondent.	§	

MEMORANDUM ON DISMISSAL

The petition for a writ of *habeas corpus* filed by Petitioner Wyatt Busby is dismissed without prejudice for want of prosecution. Dkt 1.

Busby proceeds here *pro se*. He challenges his murder conviction in cause number 153584301010 imposed in January 2022.

He was an inmate of the Harris County Jail at the time of filing. The Clerk entered a notice of deficient pleading on February 16, 2022. Dkt 3. It was returned as undeliverable. He later advised of his transfer to the Texas Department of Criminal Justice—Correctional Institutions Division. Dkt 6. The Clerk remailed the notice in March 2022.

The Clerk's notice instructed Busby to pay the \$5 filing fee or file an application to proceed *in forma pauperis* with certified inmate account information within thirty days. He was advised that his petition was otherwise subject to dismissal without prejudice for want of prosecution.

Busby hasn't complied. Under the inherent powers necessarily vested in a district court to manage its own affairs, this action is dismissed for want of prosecution. See FRCP 41(b); *Link v Wabash Railroad Co*, 370 US 626, 630–

31 (1962); *Clofer v Perego*, 106 F3d 678, 679 (5th Cir 1997); James W. Moore, *et al*, 8 *Moore's Federal Practice* § 41.51(3)(b) & (e) (Matthew Bender 3d ed 2017).

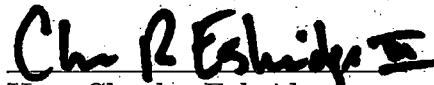
Relief under Rule 60(b) of the Federal Rules of Civil Procedure will be granted upon a proper showing. See *Link*, 370 US at 635.

The petition for a writ of *habeas corpus* filed by Petitioner Wyatt Busby is DISMISSED WITHOUT PREJUDICE for want of prosecution. Dkt 1.

Any other motions are DENIED AS MOOT.

SO ORDERED.

Signed on May 6, 2022, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Ch R Eskridge".

Hon. Charles Eskridge
United States District Judge